

REMARKS/ARGUMENTS

The Applicant would like to acknowledge, with thanks, the Advisory Action from the Examiner mailed August 18, 2006. The Examiner indicated that claims 1, 2, 6, 7 and 30 were allowable, claims 24 and 25 were directed to allowable subject matter, but were objected to for depending upon a rejected base claim, and claims 28 and 29 would be allowable if rewritten overcome the rejections under 35 U.S.C. § 112. Accordingly, claim 19 has been rewritten to be the equivalent of claim 25 in independent form containing all of the limitations of the base claim and all intervening claims, and claim 25 has been canceled. New claim 32 is the equivalent of claim 24 rewritten in independent form containing all of the limitations of the base claim and all intervening claims.

REJECTIONS UNDER 35 U.S.C. § 112

Claims 28-29 stand rejected under 35 U.S.C. § 112, second paragraph. Claim 28 for the element “the selected frequency” lacking antecedent basis and claim 29 for the element “the unselected frequency” lacking antecedent basis. Accordingly, claims 28 and 29 have been amended. In claim 28, “the selected frequency” has been replaced with –the dedicated carrier—which has antecedent basis in claim 1. In claim 29, “the unselected frequency” has been replaced with –the plurality of carriers using an adaptive array antenna—which has antecedent basis in claim 1.

REJECTIONS UNDER 35 U.S.C. § 103


Claims 19-23 and 26 stand rejected as being obvious based on the combination of U.S. Patent No. 6,181,955 to Dartois and U.S. Patent No. 6,032,047 to Cerwall. Withdrawal of this rejection is requested for the following reasons. Claim 19 has been rewritten to include the elements of claim 25, which the Examiner has indicated as being allowable. Therefore, claim 19 should now be in condition for allowance as it is the equivalent of claim 25 rewritten in independent form containing all of the limitations of the base claim and all intervening claims. Claims 20-23 and 26 directly depend from claim 19 and therefore contain all of the elements of claim 19 and should be allowable for the same reasons as claim 19.

CONCLUSION

As currently amended, the currently pending claims contain subject matter the examiner has indicated as allowable, or depend from those claims containing subject matter the examiner has indicated as allowable, and therefore all of the claims now pending in this application should be allowable. Therefore, a Notice of Allowance is earnestly solicited. If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255/05858.

Respectfully submitted,

Date: August 24, 2006


Larry B. Donovan
Registration No. 47,230
TUCKER ELLIS & WEST LLP
1150 Huntington Bldg.
925 Euclid Ave.
Cleveland, Ohio 44115-1414
Customer No.: 23380
Tel.: (216) 696-3864
Fax: (216) 592-5009